



In re Application of: ISHIBASHI  
 Application No. 09/775,818  
 Filed: February 5, 2001  
 For: METHOD FOR SELECTIVELY SEPARATING  
 LIVE CELLS EXPRESSING A SPECIFIC GENE

**COMMISSIONER FOR PATENTS**  
 Washington, D.C. 20231

Sir:

Transmitted herewith is a response to an office action in the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.

☒ **Petition for Extension of Time**

- ☒ Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$930.00 (enclosed).  
☐ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☒ No additional claim fee is required.

☐ Other:

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	8	MINUS	20	=0	x 9=	\$	x 18=	\$0.00
INDEPENDENT	3	MINUS	3	=0	x 42=	\$	x 84=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 140=	\$	+ 280=	\$
					TOTAL	\$	TOTAL	\$0.00

☒ Please charge my Deposit Account No. 12-1216 in the amount of \$930.00. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached.

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.  
☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Xavier Pillai, Reg. No. 39,799  
 LEYDIG, VOIT & MAYER  
 700 Thirteenth Street, N.W., Suite 300  
 Washington, DC 20005-3960  
 (202) 737-6770 (telephone)  
 (202) 737-6776 (facsimile)

Date: March 26, 2003

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**PATENT**  
Attorney Docket No. 400684/SOEI

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

ISHIBASHI et al.

Application No. 09/775,818

Art Unit: 1634

Filed: February 5, 2001

Examiner: Ethan C. Whisenant

For: METHOD FOR SELECTIVELY  
SEPARATING LIVE CELLS  
EXPRESSING A SPECIFIC GENE

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**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated September 26, 2002, please enter the following amendments and consider the following remarks. This response is filed timely as it is accompanied by a petition and fee for a three-month extension filing a response under 37 CFR 1.136(a).

**AMENDMENTS**

***IN THE CLAIMS:***

Cancel claims 1-10 without prejudice.

Add the following claims:

11. (New) A method for selectively separating live cells which have expressed mRNA comprising:

a first step of determining a site of the mRNA that has high accessibility for oligonucleotide probe hybridization and preparing a probe, labeled with a fluorescent dye, having a base sequence complementary to the base sequence of the thus determined site;

a second step of introducing the probe capable of labeling mRNA into cells in a live cell group containing live cells which have expressed a specific mRNA;

a third step of labeling said mRNA with said probe to obtain a live cell group containing live cells having the labeled mRNA which is a hybrid of the probe and said mRNA; and